Canadian Forces Grievance Board

Departmental Performance Report

For the period ending
March 31, 2011

The Honourable Peter G. MacKay
Minister of National Defence

Table of Contents

Chairperson's Message **1**

SECTION I: ORGANIZATIONAL OVERVIEW **3**

Raison d'être 3

Responsibilities 3

Strategic Outcome(s) and Program Activity Architecture (PAA) 3

Organizational Priorities 4

Risk Analysis 8

Summary of Performance 8

Expenditure Profile 11

Estimates by Vote 11

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME **13**

Strategic Outcome 13

Program Activity 13

Program Activity Description 13

Performance Summary and Analysis of Program Activity 15

Lessons Learned 17

SECTION III: SUPPLEMENTARY INFORMATION **19**

Financial Highlights 19

Financial Statements 19

List of Supplementary Information Tables 19

SECTION IV: OTHER ITEMS OF INTEREST **21**

Organizational Contact Information 21

Chairperson's Message

I am pleased to submit the Canadian Forces Grievance Board's Departmental Performance Report for the period ending March 31, 2011.

A highlight of 2010-11 was the celebration of the Board's 10th anniversary in June, 2010. The occasion provided us with the opportunity to reflect on how far the Board has come, to focus on the challenges for the next ten years and the vision of the Board for the future.

Several initiatives were implemented with the objective of improving the Board's operational and management processes. One of these initiatives was updating the Board's Strategic Outcome, which I believe now more accurately reflects the Board's mandate and vision, and assists in better defining operational and management priorities.

As well, a program evaluation was conducted in accordance with the requirement that all government departments and agencies assess their programs every five years. I am pleased to report that the results of this evaluation validated the Board's strategic direction and priorities and concluded that our grievance review program remains relevant and that the need for an external review of military grievances continues to exist.

As part of its commitment to a fair and transparent military grievance process, the Board participated in the development and implementation of a pilot project launched by the Canadian Forces in January, 2011, which is planned to conclude in the 3rd quarter of 2011-12. The pilot is designed to test a new model for the referral of grievances to the Board. If adopted, the new model will provide the benefit of an external and independent review to the 60% of grievances currently not referred to the Board under the existing regulations.

Throughout 2010-11, the Board also continued its pursuit of management excellence through the implementation of three key initiatives. Measures to streamline the internal review process resulted in reducing the average time required for the review of a grievance to 3.2 months, a significant reduction from the 6.1 months in 2009-10. The second key initiative was the assessment of security risks and enhancement of security awareness within the Board. The third initiative consisted of the re-evaluation of the Board's communications objectives and implementation of a feedback strategy to ensure the effectiveness of its communications activities.

Finally, I would like to express my gratitude to the employees and members of the Canadian Forces Grievance Board for their support and hard work. Without such dedication and professionalism, the Board could not strive to be a centre of expertise in military grievances and a model administrative tribunal.

Bruno Hamel
Chairperson

SECTION I: ORGANIZATIONAL OVERVIEW

Raison d'être

The *raison d'être* of the Canadian Forces Grievance Board (CFGB or the Board) is to provide an independent and external review of military grievances. Section 29 of the *National Defence Act* (NDA) provides a statutory right for an officer or a non-commissioned member who has been aggrieved, to grieve a decision, an act or an omission in the administration of the affairs of the Canadian Forces (CF). The importance of this broad right cannot be overstated since it is, with certain narrow exceptions, the only formal complaint process available to CF members.

Responsibilities

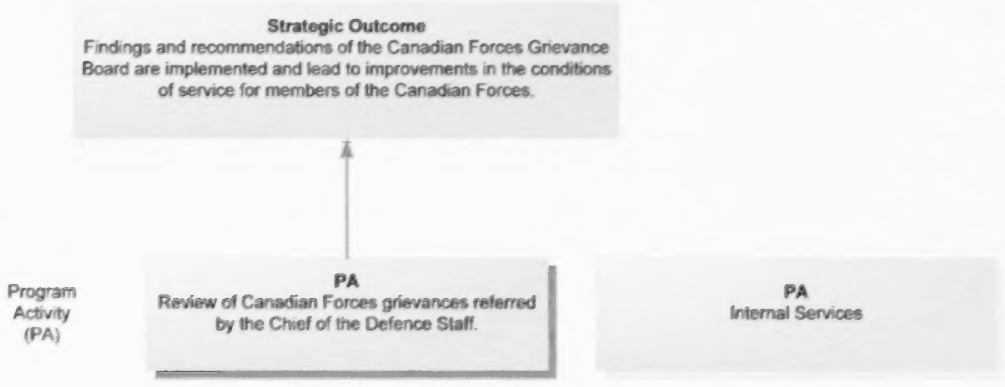
The Board is an independent administrative tribunal reporting to Parliament through the Minister of National Defence.

The Board reviews grievances referred to it and provides findings and recommendations (F&Rs) to the Chief of the Defence Staff (CDS) and the officer or non-commissioned member who submitted the grievance.

The Board also has the obligation to deal with all matters before it as informally and expeditiously as the circumstances and the considerations of fairness permit.

Strategic Outcome(s) and Program Activity Architecture (PAA)

Figure 1


Strategic Outcome
Findings and recommendations of the Canadian Forces Grievance Board are implemented and lead to improvements in the conditions of service for members of the Canadian Forces.
Program Activity (PA)
PA
Review of Canadian Forces grievances referred by the Chief of the Defence Staff.
PA
Internal Services

PAA Crosswalk

In 2010, the Board conducted a strategic review of its plans and priorities, in consideration of the unique role it plays in the military grievance process and its expertise as an administrative tribunal. The exercise led to the adoption of a new Strategic Outcome (SO) which now reads: *"The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances."*

The new SO more accurately reflects the Board's mandate and vision and was approved as part of the Treasury Board Secretariat amendments process for 2011-12 and future year Estimates. It is important to note that the 2011-12 Departmental Performance Report will be the first report to assess performance based on the revised and improved Performance Measurement Framework.

Organizational Priorities

Performance Status Legend

Exceeded: More than 100 per cent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Met All: 100 per cent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year

Mostly Met: 80 to 99 per cent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year

Somewhat Met: 60 to 79 per cent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year

Not Met: Less than 60 per cent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year

Priority #1: Ensure optimum productivity and excellence	**Type**[1]**:**Ongoing	**Program Activity:** Review of Canadian Forces grievances referred by the Chief of the Defence Staff

Status: Mostly met

Optimizing the Board's Contribution to Fairness and Transparency – In October 2010, acting on the recommendations of a CF working group which included representation by the Board, the Armed Forces Council, the senior executive body of the CF, approved the introduction, on a trial basis, of a new approach for the referral of grievances. Under the current model, not every grievor has the opportunity to have an external review of their grievance since regulations stipulate that only certain categories of grievances are referred to the Board. Discussions had been underway with the CF to refer grievances to the Board using a *"principled approach"*, in which the Board would review all grievances at the Final Authority (FA) Level for those cases where the CF are unable to find a resolution acceptable to the grievor. In such cases, the Board would provide the benefit of an independent and external review before the CDS renders a decision. The pilot project had a start date of January 1, 2011 and is expected to last to fall 2011. The Board is committed to the success of this innovative model and has already taken the necessary steps to ensure it is fully prepared to respond to the anticipated workload increase associated with this pilot project.

Review of the *National Defence Act* – The Board continues to seek the implementation of three outstanding recommendations raised by the late Chief Justice Antonio Lamer in his 2003 report[2]. These three recommendations would allow Board members to complete their caseload after the expiration of their term; provide the Board with subpoena power; and establish that the Board's annual report be based on a fiscal year rather than the calendar year. However, the Board noted they were not included in Bill C-41[3], which in 2011 died on the order paper. The Board hopes that these recommendations will be included in the next amendments to the NDA.

Improved processes and tools - Increased Operational Efficiency – Operational efficiency remains a priority at the Board in order to respond to its obligation to review grievances "expeditiously" and to contribute to a fair and transparent military grievance process. In 2010, the Board succeeded, for the second consecutive year, in further reducing the average time required for the review of grievances. By March 31, 2011, the elapsed time required for the Board to review a grievance and to issue F&R had been reduced to an average of 3.2 months, for cases received in 2010. This represents an improvement of 67% compared to 2008 (9.6 months), and 47.2% compared to 2009 (6.1 months).

Technology and Work Tools – To achieve its performance and quality objectives, the Board relies on a solid technology infrastructure and ensures its employees have access to the right tools. Several initiatives to increase efficiency and reduce the risk of loss of documents were implemented in 2010. For example:

- The Board is moving towards a paperless work environment by giving priority to electronic exchange and storing of grievance files.
- An advanced video-conferencing system was implemented and successfully integrated

[1] Type is defined as follows: Previously committed to—committed to in the first or second fiscal year before the subject year of the report; Ongoing—committed to at least three fiscal years before the subject year of the report; and New—newly committed to in the reporting year of the DPR.

[2] The First Independent Review by the Right Honourable Antonio Lamer of the provisions and operation of Bill C-25, and Act to amend *the National Defence Act* and to make consequential amendments to other Acts, as required under section 96 of Statutes of Canada 1998.

[3] Bill C-41 *Strengthening Military Justice in the Defence of Canada.* An act to Amend the *National Defence Act* and to make consequential amendments to other Acts.

Priority #1: Ensure optimum productivity and excellence	**Type**[1]:Ongoing	**Program Activity:** Review of Canadian Forces grievances referred by the Chief of the Defence Staff
into the Board's operations. The system reduces travel costs of Board members residing in different regions of the country and improves communications with the Board's staff in Ottawa. The system can also be used during hearings to receive testimony from witnesses.		

Priority #2: Enhance communications and relations with stakeholders	**Type**[1]: Ongoing	**Program Activity:** Review of Canadian Forces grievances referred by the Chief of the Defence Staff

Status: Mostly met

Communications in Support of the Board's Mandate – Over the last decade, the Board has dedicated substantial efforts to eliminate a common misconception that it is an organization internal to the Department of National Defence (DND) and the CF. These efforts to pursue a name change over the last several years culminated with the tabling of Bill C-41 which included a provision to change the name of the Board to the *Military Grievances External Review Committee*. The proposed change is important for the Board, which has been aware for some time that the current name does not reflect its unique and external role. The Board believes that the new name, when adopted, will lead to a better understanding of the specific role for which it was created. The Board is hopeful that this provision will be included in the next amendment to the NDA.

Recommendation from the program evaluation – In 2010, the Board responded to a recommendation from the five-year program evaluation and redefined its communications objectives to ensure closer alignment with its mandate and strategic direction. Three communications objectives were identified. First and foremost, the Board wanted to ensure that all parties involved in the military grievance process understand its role. Second, the Board recognized the importance of having all parties benefit from its unique perspective on matters raised in grievances. Third and finally, as a public organization, the Board reaffirmed its commitment to communicate the results of its work to the citizens of Canada, to whom it is ultimately responsible. The Board engaged in a variety of activities to meet these communications objectives, including:

- Posting new case summaries and recommendations on issues of systemic nature on the CFGB's Web site. Summaries and recommendations provide the reader with a wealth of information on policies and regulations as well as on grievance issues;
- Publications of *Perspectives*, a newsletter primarily directed to senior officers at DND Headquarters. Through *Perspectives*, the Board shares with CF decision-makers valuable information about grievance trends and areas of dissatisfaction that come to its attention during the review of individual grievances;
- Publication of a quarterly electronic bulletin available through the Board's Web site. The *eBulletin* highlights current and interesting cases recently reviewed by the Board;
- A new statistics page on the Web site to provide a global overview, in graphics and numbers, of the Board's F&Rs for cases reviewed over the past five years, and of CDS decisions on these cases; and
- Visits to CF bases to maintain direct communication with members of the CF in their work environment.

At the same time, the Board developed a strategy for obtaining feedback from its various audiences, in order to ensure the effectiveness of its communications. A survey was developed for base personnel attending the Board's presentations during base visits and was administered for the first time in 2010 at the CF Base Borden. Additional surveys are also being developed to secure feedback from readers of the Board's publications and Web site. This feedback will be used to ensure the Board's messaging remains relevant and is consistent with its communications objectives.

Priority #3: Maintain the overall effective management and leadership of the CFGB.	**Type**[1]**:** Ongoing	**Program Activity:** Internal Services

Status: Met all

Course adjustment – In 2010, the Board conducted a strategic review of its plans and priorities, in consideration of the unique role it plays in the military grievance process and its expertise as an administrative tribunal. The exercise led to the adoption of a new Strategic Outcome (SO) which now reads: *"The Chief of the Defence Staff and members of the Canadian Forces have access to a fair, independent and timely review of military grievances."* The new SO more accurately reflects the Board's mandate and vision and was approved as part of the Treasury Board Secretariat amendments process for 2011-12 and future year Estimates. It also represents a strategic adjustment in line with the Board's commitment to maximizing its contribution to the CF grievance process by extending the benefit of a *"fair, independent and timely review"* to all unresolved military grievances at the Final Authority (FA) level.

A program evaluation was conducted in accordance with the requirement for all government departments and agencies to assess their program every five years. The results of the evaluation, which covered the period from January 2005 to December 2009, validated the Board's strategic direction and priorities. The evaluation concluded that the grievance review program of the CFGB remains relevant, and that the need for an external review of military grievances continues to exist. The evaluation also concluded that the CFGB's objectives support government priorities and that its activities are consistent with federal roles and responsibilities. The evaluation made recommendations in two specific areas: the alignment of the Board's communications activities with its mandate; and the allocation of resources between its internal services and its grievance review program. Acting on these recommendations, the Board developed an action plan to evaluate strategic communications objectives and activities and adjusted the reporting of its financial resources.

Security Priorities – In 2010, the Board undertook a multi-pronged approach to improve all aspects of the organization's safety and security, including: personnel; physical and Information Technology (IT) infrastructure; knowledge; and assets. The Board worked toward developing a Departmental Security Plan. This included both updating its Business Continuity and Resumption Plan and developing a CFGB Threat and Risk Assessment (TRA). The implementation of the action plan arising from the recommendations of the TRA will be carried out in 2011-12.

The Board also developed and implemented improved IT and IM (Information Management) strategies with the intent of upgrading computer workplace systems, rationalizing its technology infrastructure and consolidating its IT security procedures.

Risk Analysis

A Corporate Risk Profile has been developed, which identifies and assesses risks of strategic importance for the Board. Risk mitigation strategies have also been identified, and these are being integrated with business planning and day-to-day program activities.

Some risks remain constant for the Board; significant and unanticipated fluctuations in the volume of cases referred would have an impact on the timeliness of issuing F&Rs. Similarly, significant fluctuations would have an impact on the financial and human resources planned by the Board. Although the new "principled approach" pilot project has only just begun, the Board continues to evaluate workload planning assumptions and the impact of the implementation on the organisational structure in order to align the Board's resources accordingly.

The issue of security was also specifically addressed during the annual review of the Board's Risk Profile, and appropriate strategies were put in place to mitigate potential threats to the integrity of the organization's assets and institutional knowledge. Information security is critical in the context of disclosures of personal and protected information. The Board has implemented a number of practices aimed at ensuring the security of information, which include awareness training and updating its Business Continuity and Resumption Plan and completing a CFGB Threat and Risk Assessment (TRA).

The Board is intent on maintaining the focus on security until security awareness becomes an integral part of organizational activities and culture.

Summary of Performance

2010–11 Financial Resources (thousands)

Planned Spending	Total Authorities	Actual Spending
6,641.0	7,053.8	5,526.4

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
46	38	8

Strategic Outcome:

Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces.

Performance Indicators	Targets	2010–11 Performance
The percentage of systemic recommendations that merit further study.	75% of recommendations that merit further study are accepted.	**Exceeded** In the last three fiscal years, a total of 71 recommendations on systemic issues have been communicated to the Chief of the Defence Staff (CDS). Of these, the CDS accepted 77.8% which merited further study. Synopses of these and other cases and the associated recommendations can be found on the Board's Website at the following address: http://www.cfgb-cgfc.gc.ca/English/SR.html
The percentage of the CDS agreement with the Board's recommendations regarding the interpretation and application of regulations, policies and guidelines.	80% agreement	**Mostly met** In 2010-11, 63% of recommendations on systemic issues included the interpretation and application of regulations, policies and guidelines. The CDS agreed with the Board on 77% if its recommendations.
The percentage of survey respondents indicating that the Board has contributed to changes to CF regulations, policies and guidelines.	70% agreement	**Exceeded** This performance indicator was assessed through an evaluation of the CFGB Review of Military Grievances Program – July 2010, Government Consulting Services (GCS). The evaluation assessed the extent to which the CFGB has: improved regulations, policies, guidelines and the grievance process; helped in the administration of the affairs of the CF; and impacted on the morale of CF members. With regard to whether or not the CFGB has helped in the administration of affairs of the CF, 80% of interviewees were in agreement. They noted that the CFGB F&Rs raise awareness of areas where policy changes may be needed and help confirm interpretation of policies thereby allowing Initial Authorities (IAs) to be more confident in their decisions. The website and publications also help IAs and potential grievors in deciding on how to proceed when issues arise. The evaluation report can be consulted at the following link: http://www.cfgb-cgfc.gc.ca/documents/Eval_CFGB_ERMGP0710-e.PDF

($ thousands)

Program Activity	2009–10 Actual Spending	2010–11				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Review of Canadian Forces grievances referred by the Chief of the Defence Staff	2,360.5	3,499	3,499	3,725.9	3,788.8	Well-managed and efficient government operations

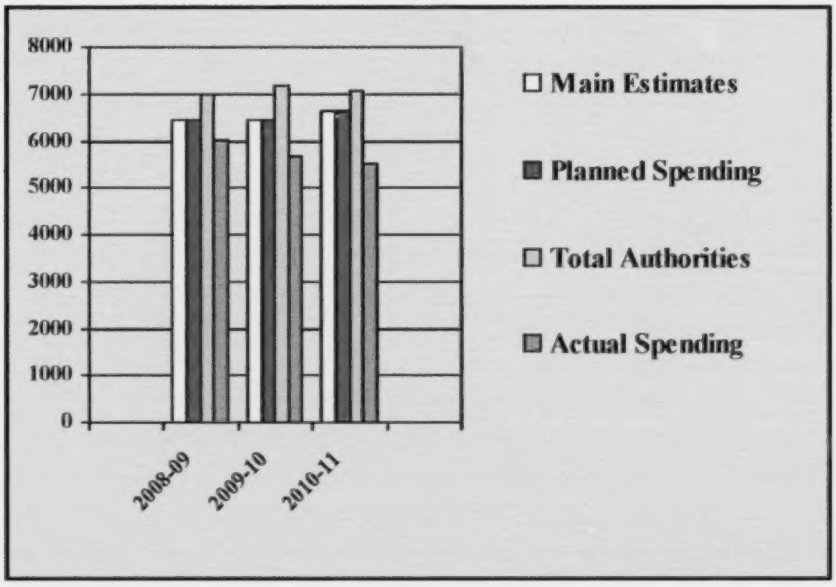
($ thousands)

Program Activity	2009–10 Actual Spending	2010–11			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	3,304.4	3,142	3,142	3,327.9	1,737.6

Expenditure Profile

Figure 2 Departmental Spending Trend

($ thousands)



Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2010–11 Public Accounts of Canada (Volume II) publication. An electronic version of the Public Accounts is available at http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

Figure 3

Strategic Outcome
Findings and recommendations of the Canadian Forces Grievance Board are implemented and lead to improvements in the conditions of service for members of the Canadian Forces.

Program Activity

Figure 4

PA
Review of Canadian Forces grievances referred by the Chief of the Defence Staff.

Program Activity Description

The Chief of the Defence Staff refers grievances as prescribed under *Queen's Regulations and Orders for the Canadian Forces* as well as every grievance concerning a decision or an act of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member to the Board for its findings and recommendations. The Board conducts objective and transparent reviews of grievances with due respect to fairness and equity for each member of the Canadian Forces, regardless of rank or position. It ensures that the rights of military personnel are considered fairly throughout the process and that its Board Members act in the best interest of the parties concerned. The findings and recommendations it issues are not only based in law but form precedents that may facilitate change within the Canadian Forces. As an administrative tribunal designed to review grievances, the Board must ensure that its recommendations comply with the law and can be implemented in accordance with its enabling legislation, relevant human rights legislation and the *Canadian Charter of Rights and Freedoms*.

Performance Status Legend

Exceeded: More than 100 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

Met All: 100 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

Mostly Met: 80 to 99 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

Somewhat Met: 60 to 79 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

Not Met: Less than 60 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result identified in the corresponding RPP was achieved during the fiscal year.

2010–11 Financial Resources (thousands)

Planned Spending	Total Authorities	Actual Spending
3,499	3,725.9	3,788.8

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
28	21	7

Expected Results	Performance Indicators	Targets	Performance Status
Fair, impartial and transparent findings and recommendations (F&R).	% of survey responses from grievors satisfied with the fairness, impartiality and transparency of the Board's F&Rs.	75% agreement	**Mostly met** 72% agreed or strongly agreed that they were provided with appropriate disclosure of information. Similarly they are satisfied with equity and transparency, as 60% agreed or strongly agreed that their grievance had been reviewed in a fair and unbiased manner. 74% felt that it was important to have their grievance reviewed by an external organization independent from the Canadian Forces.

Expected Results	Performance Indicators	Targets	Performance Status
Findings and recommendations (F&R) delivered expeditiously.	% of CFGB's grievance process timeline standards met.	Established standards are being met 75% of the time.	Exceeded As of March 31, 2011 of the 2010 cases received, 99% were completed, out of which 90.6% were completed within the 6 months standard.

Performance Summary and Analysis of Program Activity

Fair Impartial and transparent findings and recommendations (F&R)

CFGB's Grievors' Survey - In 2010-11, 44 grievors responded to the Grievors' Survey, an increase of 37.5% over the previous year. The survey found that grievors were generally satisfied with fairness, as 72 % agreed or strongly agreed that they were provided with appropriate disclosure of information. Similarly they are satisfied with equity and transparency, as 60% agreed or strongly agreed that their grievance had been reviewed in a fair and unbiased manner and 74% felt it was important to have their grievance reviewed by an external organization from the CF.

Findings from the Evaluation of the CFGB Review of Military Grievances Program - The evaluation of the Program covered the five-year period from January 2005 to December 2009. Since a survey of the members of the CF was not possible given public opinion restrictions on this population, the evaluation analyzed questions from the "Your Say" survey which is administered annually by the CF. It was concluded that:

Results – There is no clear evidence that confidence levels in the grievance process are increasing, nor is it clear whether the CFGB is having an impact on this confidence. Nonetheless, grievors seem satisfied with the fairness, transparency and equity of the process, although less satisfied with timeliness. The majority of respondents referred to the timeliness of the whole process meaning from the time the grievance was filed within the CF to the time of the CDS Decision on their case.

Supporting Evidence – The "Your Say" survey results suggest that CF members experienced a reduction in confidence levels in the grievance process, especially between fall 2006 and fall 2007. When asked whether "CF members who submit a grievance are likely to obtain justice," on average 39.0% agreed, 37.5% were neutral and 23.5% disagreed prior to fall 2006. However, in fall 2007 those in agreement dropped to 30.4% and those who were neutral rose to 45.0%.

These reduced levels remain constant for the remainder of the evaluation period. This drop in agreement and rise in neutral response between fall 2006 and 2007 is consistent across all questions pertaining to justice and fairness, and raises the question of whether something adverse occurred in that period.

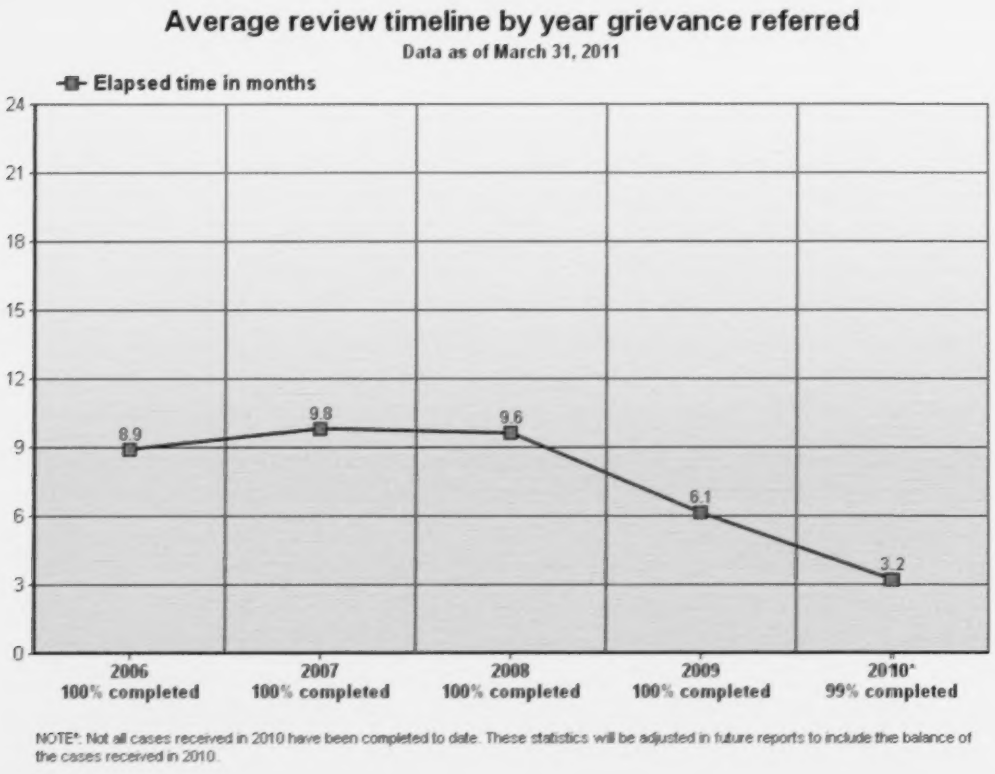
When asked whether "methods for resolving complaints in the CF are fair and unbiased" overall 36.8% agreed and 27.7% disagreed. As with the previous question, there was a notable 7.9% drop in agreement between fall 2006 and fall 2007, but since 2008 agreement has begun to return to previous levels.

Findings and recommendations (F&R) delivered expeditiously

A Timely Review - The Board established a productivity standard of an average of six months to complete the review of a grievance. Refinements implemented in recent years have further streamlined processes and increased efficiency, bringing the average down to 3.2 months for cases received in 2010. This represents an improvement of 67% compared to 2008 (9.6 months), and 47.2% compared to 2009 (6.1 months).

By March 31, 2011, 99% of cases received in 2010 were completed, out of which 90.6% were completed within the 6 months standard.

Figure 5



NOTE*: Not all cases received in 2010 have been completed to date. These statistics will be adjusted in future reports to include the balance of the cases received in 2010.

Lessons Learned

The progress made by the Board in terms of efficiency validates the measures introduced to streamline the internal review process. One key measure that resulted in significant savings in time is the earlier involvement of Board members in the initial stages of the review process. But also, a knowledgeable and stable workforce has contributed to this increased efficiency, while ensuring that the quality of the Board's work remains at a very high standard.

As a result of these improvements, as of October 2010, and for the first time in its history, the Board did not have in its inventory any active grievances referred to it before 2010. By March 31, 2011, the reviews of all but one case referred to the CFGB in 2010 were completed.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

Condensed Statement of Financial Position
As at March 31, 2011 ($ thousands)

	% Change	2010-11	2009-10
Total assets	(22.1)%	564	724
Total liabilities	(14.5)%	1,207	1,411
Equity of Canada	(6.4)%	(643)	(687)
	(22.1)%	564	724

Condensed Statement of Operations
For the year ended March 31, 2011 ($ thousands)

	% Change	2010-11	2009-10
Total expenses	(3.7)%	5,750	5,972
Total revenues	-	-	-
Net cost of operations	(3.7)%	5,750	5,972

Financial Statements

The Board's financial statements can be found on the CFGB's website at: http://www.cfgb-cgfc.gc.ca

List of Supplementary Information Tables

All electronic supplementary information tables found in the 2010–11 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's website at: *http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp*.

Green Procurement

Internal Audits and Evaluations

SECTION IV: OTHER ITEMS OF INTEREST

Visit the Board's Web site at http://www.cfgb-cgfc.gc.ca/ for more information. We invite you to consult some of the grievance cases for which the Board has issued F&Rs in the Case Summaries section, which is updated on a regular basis as well as statistical data over the last five years in the Statistics section. You can also learn more about the Board's role in the Canadian Forces Grievance Process section

Organizational Contact Information

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